

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 976

INTRODUCER: Senator Powell

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: March 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Favorable
2.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 976 creates the Care for Retired Law Enforcement Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired law enforcement dog by the former handler or adopter who incurs the costs.

The bill provides legislative findings and definitions. The bill requires valid documentation of the dog's retirement from the law enforcement agency the dog served and a valid paid invoice from the veterinarian for veterinary care for reimbursement of costs to occur.

The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement (FDLE) after a competitive grant award process.

The bill includes an appropriation of \$300,000 in recurring General Revenue Funds for the purpose of implementing and administering the program.

The bill takes effect July 1, 2019.

II. Present Situation:

Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.¹ Law enforcement dogs cannot work forever

¹ Panama City Beach Police Department, *K-9 Patrol*, available at <http://www.pcbgov.com/departments-services/police-department/specialized-units/k-9-patrol> (last viewed February 22, 2019); Coral Springs Police Department, *K-9 Unit*, available at <https://www.coral Springs.org/government/other-departments-and-services/police/divisions/k-9> (last viewed February 22, 2019); Hillsborough County Sheriff's Office, *K-9 Unit*, available at <http://www.hcso.tampa.fl.us/A-Z-Directory/K/K9-Unit.aspx> (last viewed February 22, 2019); Brevard County Sheriff's Office, *K-9 Unit*, available at <http://www.brevardsheriff.com/home/commands-services/operational-services/k-9-unit/> (last viewed February 22, 2019).

and are faced with natural aging conditions and may have sustained injuries in the line of duty. When it is time for a law enforcement dog to retire the dog typically lives with their law enforcement officer partner. However, retired law enforcement dogs can experience costly medical expenses that the owner is unable to handle.²

The Pembroke Pines Police Department retired two law enforcement dogs in 2015, one having been on the job for 9 years as a patrol and narcotics detecting dog, the other working for 6 years as a patrol and explosive detecting dog.³ Similarly, in 2017, two dogs who had both served the Flagler County Sheriff's Office for 8 years retired from duty in apprehending suspects and sniffing for narcotics, with a combined 190 deployments.⁴ All four of the dogs were to stay at home with their handlers as pets.⁵

Just one example of a law enforcement dog's ultimate service is Cigo, who worked at the Palm Beach County Sheriff's Office. On December 24, 2018, Cigo was shot and killed while assisting in the apprehension of an attempted-murder suspect at the Wellington Green Mall. Cigo was only 3 years old at the time he was killed by the suspect.⁶

III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the Florida Department of Law Enforcement (FDLE). The program is created within the FDLE to provide a stable funding source for veterinary care for retired law enforcement dogs.

The program will provide up to \$1,500 annually to any former handler or adopter of a retired law enforcement dog for reimbursement of veterinary care for the dog if the agency from which the dog retired provides verification of the dog's service. The former handler or adopter must submit a valid invoice from a veterinarian for care provided in Florida and proof of payment for reimbursement to occur. The former handler or adopter may not accumulate unused funds for the current year for use in a future year. When the annual funding for the program is depleted, reimbursements must be discontinued for the remainder of the year.

"Retired law enforcement dog" is defined as a dog who has been in the service of or employed by a law enforcement agency in this state for the principle purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders. The retired law

² South Florida Fund for Retired Law Enforcement K-9's, Who We Help, *The Fund*, available at <https://soflretiredk9fund.com/about/who-we-help/> (last viewed February 22, 2019).

³ Local 10 News, *2 K-9s retire from Pembroke Pines Police Department, Dogs to remain with handlers*, Amanda Batchelor, October 15, 2015, available at <https://www.local10.com/news/florida/2-k-9s-retire-from-pembroke-pines-police-department-> (last visited February 21, 2019).

⁴ FlaglerLive.com, *Retirement of Two K-9s, Repo and Reno, Highlights Sheriff's Award Ceremony*, April 26, 2017, available at <https://flaglerlive.com/107363/sheriffs-awards-2017/> (last viewed February 21, 2019).

⁵ *Supra* note 3 and 4.

⁶ Officer Down Memorial Page, United States, Florida, Palm Beach County Sheriff's Office, *K9 Cigo*, available at <http://www.odmp.org/k9/1714-k9-cigo> (last viewed February 22, 2019). *See also* Jacksonville Sheriff's Office, *K9 Fang*, available at <http://www.odmp.org/k9/1706-k9-fang> (last viewed February 22, 2019); and Leon County Sheriff's Office, *K-9 Koda*, available at <http://www.odmp.org/k9/1497-k9-koda#ixzz2vrveuHYu> (last viewed February 22, 2019).

enforcement dog must have received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association, Inc.⁷

The bill defines “law enforcement agency” as a state or local public agency that has primary responsibility for the prevention and detection of crime or the enforcement of the penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

The bill adopts the term “veterinarian” from s. 474.202(11), F.S., which defines “veterinarian” as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of ch. 474, F.S.⁸ The bill also defines “veterinary care” as the practice of veterinary medicine as defined in s. 474.202(13), F.S. “Veterinary medicine” includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine.⁹ The bill specifies that the term also includes:

- Annual wellness examinations;
- Vaccinations;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;
- Medications;
- Emergency care and surgeries; and
- Care provided in specialties of veterinary medicine such as veterinary oncology, euthanasia, and cremation services.

The FDLE is directed to contract with a not-for-profit corporation, organized under ch. 617, F.S., to administer and manage the program.¹⁰ The corporation will be selected through a competitive grant award process and must:

- Be dedicated to the protection or care of retired law enforcement dogs.
- Hold tax-exempt status under the Internal Revenue code as an s. 501(c)(3) organization.¹¹
- Have held tax-exempt status for at least five years.
- Agree to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with the bill.

⁷ National Police Canine Association, available at <http://www.npca.net/> (last viewed February 22, 2019). The National Police Canine Association is one of many such organizations in the country, including The Florida Law Enforcement Canine Association (FLECA) dedicated to the training and certification of Florida’s Law Enforcement Canine Teams. Florida Law Enforcement Canine Association, FLECA, available at <http://www.flecak9.com/> (last viewed February 22, 2019).

⁸ Section 474.202(9), F.S., defines “practice of veterinary medicine” to mean diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

⁹ Section 474.202(13), F.S.

¹⁰ Section 617.01401(5), F.S., defines “corporation not for profit” as a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under ch. 617, F.S.

¹¹ See 26 U.S.C. s. 501(c)(3).

The bill specifies the not-for-profit corporation is the disbursing authority for the funds appropriated by the Legislature to the FDLE for the program. The FDLE must pay the not-for-profit corporation up to ten percent of appropriated funds for administrative expenses, including salaries and benefits.

The bill contains legislative findings related to the value of law enforcement dogs to the residents of Florida.

The bill includes an appropriation of \$300,000 for FY 2019-2020 in recurring funds from the General Revenue Fund to the FDLE for the purpose of implementing and administering the program.

The FDLE is given rulemaking authority to implement the provisions in the bill.

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that the retired dog's former handler or adopter is reimbursed for the dog's on-going veterinary care, the bill will have a positive fiscal impact for those persons.

C. Government Sector Impact:

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing and administering the program. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the FDLE.

The FDLE does not anticipate incurring any costs associated with the implementation of the bill.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.69 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹² Florida Department of Law Enforcement, *2019 Legislative Bill Analysis SB 976*, February 19, 2019 (on file with the Senate Committee on Criminal Justice).